

Marbury v. Madison to *Brown v. Board of Education*, the fingerprints of the U.S. Senate have subtly steered the highest Court in this Nation time and again. And long after we have completed our public service here, the decisions made by the Supreme Court will continue to impact all Americans, and history will really judge your decision.

And I just want to close by just asking you to think about the role of the legislative branch. I have served as a legislator in the State legislature or in the Congress for the last 13 years, and I think we should zealously guard our legislative authority. We are, after all, the only directly elected branch of Government. And I think we need to carefully think about how this nominee thinks about our role in the governmental process. I think many of his views have demonstrated that given his belief in a unitary Executive or, at the very least, the strength of the Executive, we should carefully think about how we believe our role as legislators would be compromised if he was elevated to the Supreme Court.

Thank you very much for this opportunity.

[The prepared statement of Representative Wasserman Schultz appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Congresswoman Wasserman Schultz.

Our next witness is Mr. Jack White, associate in the San Francisco law firm of Kirkland and Ellis, graduated magna cum laude from Pepperdine Law School, editor in chief of the Law Review there; bachelor's degree from the United States Military Academy at West Point, served as an active duty officer in the Army, and continues to serve as a captain in the Reserve. He is, according to his resume, a dedicated member of the ACLU and NAACP. He was one of Judge Alito's law clerks in the 2003–04 term.

Thank you for coming from San Francisco, Mr. White, and the floor is yours, but only for 5 minutes.

STATEMENT OF JACK WHITE, ASSOCIATE, KIRKLAND AND ELLIS, LLP, SAN FRANCISCO, CALIFORNIA

Mr. WHITE. Thank you, Mr. Chairman, Senator Kennedy. I appreciate the opportunity to testify here today.

In order to provide some context for my comments, I would like to share some personal information about myself. I am the son of African-American parents born in the segregated South. Their respect for the recognition of civil liberties that enabled them to succeed and raise principled children inculcated the same respect in me. This respect is what led me to become a member of the NAACP and the ACLU. The same respect for our freedoms as Americans encouraged me to serve our country after graduating from West Point on active duty in the United States Army.

Now, as I clerked for Judge Alito, I saw a deep sense of duty, diligence, humanity, and respect for his role as a Federal appellate judge. Judge Alito required searching analysis of the factual and procedural background of every case. He required thorough evaluation of the applicable law in every case. He uniformly applied the relevant law to the specific facts of every case. Judge Alito recognized that every case was the most important case to the parties and attorneys with something at stake. There was no wavering

from this consistent, predictable method of his judicial decision-making process. Working for Judge Alito, I saw in him an abiding loyalty to a fair judicial process as opposed to an enslaved inclination toward a political or personal ideology.

What I found most intriguing and particularly exceptional about Judge Alito's judicial decisionmaking process was the conspicuous absence of personal predilections. I never witnessed an occasion when personal or ideological beliefs motivated a specific outcome in a case. Indeed, after a year of working closely with the judge on cases concerning a wide variety of legal issues, I left New Jersey without knowing Judge Alito's personal beliefs on any of them. Now, the reason I didn't know his personal beliefs on all of these issues was that the jurist's ideology was never an issue in a case that Judge Alito heard. Indeed, it is never an issue in any case. My fellow former law clerks have uniformly agreed, and we have communicated this notion to the Committee in a letter that we have provided.

Although Judge Alito's sense of duty, diligence, and commitment to the decisionmaking process have inspired the collective support of his former law clerks, there is an additional characteristic that also heavily impressed me. On a daily basis, Judge Alito dealt with a wide variety of individuals, including law clerks, fellow judges, experienced attorneys, inexperienced attorneys, court staff, law students, and individuals throughout the community. Without fail, I saw Judge Alito treat everyone, every individual, with dignity and respect. In fact, on one occasion, my parents went to New Jersey to visit their son. Judge Alito suggested that I bring them to his chambers. Now, because oral arguments were rapidly approaching, I thought that the judge would shake their hand and we would quickly be on our way. Over an hour later, my parents left his office understanding my extreme regard for this jurist. At the end of the day, my parents left believing that meeting them was the highlight of Judge Alito's day. Perhaps it was.

Working for Judge Alito provided me with the opportunity to witness American justice at work. I saw a jurist with an abiding respect for the strength, purpose, and authority of our Constitution, and a particular regard for the limited role of the judiciary envisioned by the Framers of our Constitution. From my experience, I will feel confident with Judge Alito serving as an Associate Justice on the Supreme Court, interpreting laws that affect me.

Thank you, Mr. Chairman.

[The prepared statement of Mr. White appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Mr. White.

We turn now to Mr. Reginald Turner, president of the National Bar Association, partner in the Detroit law firm of Clark, Hill, practiced labor law and employment law and governmental relations for over 15 years, served as president of the Michigan State Bar Association, was a White House fellow, a graduate of Wayne University, where he got his bachelor's degree, and a law degree from the University of Michigan Law School.

We welcome you, Mr. Turner, and you have 8 minutes to testify.